

JBD8CLAC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 790 (PKC)

5 ASA SAINT CLAIR,

6 Defendant.

7 -----x
8 New York, N.Y.
9 November 13, 2019
10 12:30 p.m.

11 Before:

12 HON. P. KEVIN CASTEL,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
17 Southern District of New York

18 KIERSTEN A. FLETCHER

19 TARA M. LaMORTE

20 Assistant United States Attorneys

21 JOHN P. BUZA

22 Attorneys for Defendant
23
24
25

JBD8CLAC

1 (Case called)

2 THE DEPUTY CLERK: For the government.

3 MS. FLETCHER: Good afternoon, your Honor. Kiersten
4 Fletcher and Tara LaMorte for the government.

5 THE COURT: Good afternoon to you both.

6 For the defendant.

7 MR. BUZA: Good afternoon, your Honor. John Buza for
8 Mr. Saint Clair.

9 THE COURT: Good afternoon to both of you.

10 Mr. Buza, has the defendant received the one-count
11 indictment charging him with wire fraud which was docketed
12 under 19 Cr. 790?

13 MR. BUZA: Yes, Judge. He has received it, he has
14 reviewed it, and I have spoken to him about it.

15 THE COURT: Does he waive the public reading thereof?

16 MR. BUZA: Yes.

17 THE COURT: Mr. Saint Clair, how do you plead to the
18 charge in the indictment?

19 THE DEFENDANT: Not guilty, your Honor.

20 THE COURT: A plea of not guilty will be entered on
21 the docket of the Court.

22 Let me hear from the government. What is the volume
23 of discovery and when do you anticipate discovery to be
24 complete?

25 MS. FLETCHER: The volume of discovery is quite large

JBD8CLAC

1 in this case. Prior to the defendant's arrest, the Homeland
2 Security investigation team of agents conducted a search
3 warrant on an apartment that the defendant was residing in.
4 During that search they seized 22 boxes of documents relevant
5 to World Sports Alliance, the entity that the defendant was
6 operating, in addition to about 20 electronic devices. My
7 understanding is that the volume of data just on the
8 electronics is about six terabytes of data that includes
9 several laptops, several tablets and phones.

10 I have asked Mr. Buza to provide us with a six
11 terabyte hard drive. He has given us the hard drive now. We
12 will begin loading the images of the electronic devices onto
13 the drive, but I expect we will need somewhere in the two- to
14 three-week realm to get Mr. Buza everything that there is.

15 THE COURT: All right. Mr. Buza, what do you need
16 thereafter? If you get everything as indicated in the next two
17 weeks, you will have it by the end of November. You will need
18 a little bit of time to review it and be in a position to
19 return to advise me whether you have any motions in this case.

20 How much time do you need?

21 MR. BUZA: It's difficult for me to give your Honor an
22 honest assessment because I don't understand the nature of the
23 evidence yet. With that said, I spoke to the government and I
24 am going to try to do everything in my power to be able to do
25 that by March 20.

JBD8CLAC

1 THE COURT: Why March 20? Why so long?

2 MR. BUZA: My understanding is that we are discussing
3 six terabytes of information. In similar cases where there was
4 voluminous discovery, not quite as much as here, I have
5 typically been in situations where I needed about three to four
6 months to review it, and I just don't want to come back to
7 court and say, Judge, I need more time.

8 THE COURT: Let me find out from the government.

9 Six terabytes, what is it? Are they e-mails? Are
10 they account ledgers? What are they?

11 MS. FLETCHER: So the vast majority of the six
12 terabytes, Judge, is images of electronic devices that were
13 inside the defendant's apartment. So when the agents took the
14 devices, they have created now a forensic copy of the device.

15 THE COURT: Mirror images of the hard drives?

16 MS. FLETCHER: Yes, but not so user friendly. That
17 makes it sound like you could just look at it and it would look
18 like a computer, and that's not the case.

19 Those forensic images need to be run through a
20 forensic tool and analyzed and processed in a way to be able to
21 review them as you would if you were logging on to a computer
22 and looking at the computer. So the copying has happened, but
23 the analysis is ongoing from the government's perspective and
24 won't begin for Mr. Buza until he gets the images. So,
25 presumably, he is going to need to hire someone or work with a

JBD8CLAC

1 forensic tool in order to be able to look at the data on those
2 devices.

3 Now, certain devices we have done that. So the
4 defendant consented to a search of his phone. That device has
5 been imaged and a report created and it can be reviewed now.
6 But other devices, which I expect have much more data, are not
7 yet in a reviewable position.

8 THE COURT: All right. I will set this down then for
9 March 20 at 10:30 a.m., if that's agreeable to the government
10 and to defense counsel.

11 MS. FLETCHER: It is, your Honor, subject to a motion
12 from the government to exclude Speedy Trial Act time --

13 THE COURT: We will get to that.

14 MR. BUZA: That's acceptable to us as well, Judge.

15 THE COURT: I understand there is an issue also with
16 regard to bail. Maybe you can bring me up-to-date on that.

17 By the way, March 20 is the date for you to return to
18 court to advise me whether there are any motions you wish to
19 make in this case.

20 MR. BUZA: Understood, Judge. Thank you.

21 THE COURT: Where do things stand on the bail
22 situation?

23 MR. BUZA: If I may, your Honor. I wrote a letter to
24 the Court yesterday and uploaded it on ECF. We are in
25 agreement as to the bail situation at this point. The two

JBD8CLAC

1 suretors, who are family members of Mr. Saint Clair, have
2 agreed to sign the bond. The only issue is that they are not
3 sufficiently liquid to cover a \$500,000 bond. I have given the
4 government the information regarding the primary home of one of
5 the suretors, including the value of the property, the mortgage
6 that's on there, which would give us the equity, and we
7 believe, and the government agrees, that that, in addition to
8 the assets that the two suretors have, would cover the bond of
9 500,000.

10 So I request that the Court modify that. The two
11 suretors, one is in Seattle, one is in Irvine, California, but
12 I spoke to them 30 minutes ago and they are ready to sign the
13 bond today. We just need a little bit of time to figure out
14 how it is exactly that one of the suretors is going to put up
15 the property. But we anticipate that that should get resolved
16 by the end of next week.

17 So the government has agreed to allow for Mr. Saint
18 Clair, assuming the bonds get signed, essentially to be
19 released today with the condition that that property be put up.

20 THE COURT: I am not sure I understood the latter
21 qualification. Tell me this. What is the relationship between
22 the defendant and the two suretors?

23 MR. BUZA: One suretor is his ex-wife and her name is
24 Julie Griffin. She lives in Irvine, California. She is a
25 mortgage underwriter. Obviously, they have a sufficiently

JBD8CLAC

1 close enough relationship that she is willing to do this. She
2 also has a relationship with Mr. Saint Clair's new wife. One
3 of the suretors' daughter is actually in court today; that's
4 Ms. Griffin. The other suretor is his father-in-law, and he
5 lives in Seattle, Washington. And his current father-in-law is
6 the person who has offered to put up the property in
7 Washington.

8 THE COURT: Let me hear from the government. Is there
9 sufficient moral suasion here that I should be comfortable with
10 these two suretors?

11 MS. FLETCHER: Your Honor, the government would not
12 approve either of these individuals solely on moral suasion
13 grounds. If the Court would like, I can give a little bit of
14 background as to how we came to this bail package to begin
15 with.

16 THE COURT: Go ahead.

17 MS. FLETCHER: The initial conditions set by the
18 magistrate judge are: A \$500,000 personal recognizance bond,
19 cosigned by two financially responsible persons; the defendant
20 to maintain a residence in the state of Arizona to be approved
21 by pretrial; the defendant to be subject to home detention. I
22 believe there is also a condition that he not travel to or near
23 airports. And then there is some drug testing and mental
24 health treatment conditions, I believe, your Honor.

25 But the reason those conditions were set -- and when I

JBD8CLAC

1 say those conditions, I mean conditions that are that strict
2 were set -- was because the government had serious concerns
3 that the defendant was a risk of flight. The defendant was
4 living in an apartment in New York. That apartment was
5 searched when the defendant was out of the country. The
6 defendant returned to the country, was interviewed by the
7 government, indicated that he was going to continue to live in
8 New York, and then within a matter of days, perhaps weeks, the
9 defendant booked a one-way ticket from Los Angeles to
10 Madagascar and was arrested by complaint attempting to board
11 that flight within 48 hours of the time that it was booked. So
12 the government believed that the defendant was a serious risk
13 of leaving the United States.

14 The fraud here also involves a number of victims, and
15 those victims were induced to invest in this scheme in part
16 based on representations that the defendant made about his
17 relationships with foreign government officials, about his
18 access to large amounts of money. So the defendant proposed a
19 number of cosigners who were not financially responsible
20 shortly after he was arrested, and only after interviewing
21 several individuals did we come to the agreement that these two
22 were at least arguably financially responsible, though not
23 particularly liquid. We agreed to approve them really on the
24 condition that one of them put up some tangible property to
25 secure the bond.

JBD8CLAC

1 So no, the government does not view either of these
2 individuals as particularly strong moral suasion cosigners.
3 The defendant's daughter very likely would be a strong moral
4 suasion cosigner, but she is, based on our interview of her and
5 our review of her financial documents, is not a financially
6 responsible person. She is a student.

7 So that's how we got to this point. And I think where
8 we are now, in terms of our agreed-upon proposal for the
9 Court's consideration, is that the Court continue all of the
10 conditions that the magistrate judge set and require that those
11 conditions all be met before the defendant's release. What I
12 understand Mr. Buza to be saying is that all of those
13 conditions can be met today so his client can be released
14 today. And then to ask the Court to impose one additional
15 condition, which is the security, the defendant's father-in-law
16 to post his home as security for the bond. But that condition
17 can be met by next Friday the 22nd.

18 THE COURT: You agree with the government's summary,
19 Mr. Buza?

20 MR. BUZA: I agree with the facts as they transpired
21 that the government elicited. However, there is an explanation
22 that, if the Court would permit, I can proffer as to the issues
23 associated with Mr. Saint Clair and when he was apprehended.

24 First, he is, as the Court can see from the order from
25 the magistrate, he is actually domiciled at this point in

JBD8CLAC

1 Arizona. He was in the process of moving there and that's
2 where his current wife is. So to the extent that the
3 government alleges that there appears to have been some
4 semblance of flight issue associated with that, he was in the
5 middle of a move to Arizona.

6 THE COURT: I didn't hear that from the government. I
7 heard that he bought a one-way ticket to Madagascar, not to
8 Arizona.

9 MR. BUZA: I can address that point second, Judge.

10 With regard to the Madagascar point, my client is the
11 president of the WSA, which is a UN affiliated organization
12 that, in short, they sponsor sporting activities throughout the
13 world. Pursuant to his job there he travels the world, and my
14 client informs me that, when you're doing business in Africa,
15 it's very difficult to figure out exactly how long you are
16 going to be there and the circumstances of your return. So it
17 is my understanding commonplace to buy one-way tickets when you
18 travel to places like Africa to do this kind of business,
19 because you're dealing with governments that are not
20 necessarily, for lack of a better schedule, oriented. So it's
21 common practice to buy one-way tickets.

22 THE COURT: Does the U.S. have an extradition treaty
23 with Madagascar?

24 MS. FLETCHER: I don't believe that we do, your Honor.

25 MR. BUZA: If I may, your Honor. I don't think that

JBD8CLAC

1 there was any allegation that my client has any ties to
2 Madagascar or, quite frankly, really to any country. He was
3 born in the United States. He is an American. The government
4 wanted this bond. We are doing everything we can to facilitate
5 it.

6 THE COURT: All right. Thank you.

7 Let me be very clear. I am in a position where no
8 party seeks any modification of the bond set by the magistrate
9 judge, except the government wants me to add the condition that
10 the father-in-law post his home by November 22nd as an
11 additional condition, and I will do that. And provided the
12 conditions set by the magistrate judge are met, the defendant
13 may be released. And that's all I will say at this stage.

14 I will hear the government's final application.

15 MS. FLETCHER: Thank you, your Honor.

16 The government moves to exclude Speedy Trial Act time
17 between today's date and March 20, 2020. The government
18 submits that that exclusion of time is in the interests of
19 justice, to allow the government to produce discovery and give
20 defense counsel an opportunity to review it and contemplate any
21 motions in advance of that conference.

22 MR. BUZA: No objection, Judge.

23 THE COURT: I find that the ends of justice will be
24 served by granting a continuance to March 20 and that the need
25 for a continuance outweighs the best interests of the public

JBD8CLAC

1 and the defendant in a speedy trial. The reasons for my
2 finding are that the time is needed to enable the government to
3 complete the production of discovery materials, which are said
4 to amount to six terabytes of data, for defense counsel to
5 review the discovery materials and to be in a position to
6 return to court to advise the Court whether there are any
7 motions the defendant wishes to make, and accordingly the time
8 between today and March 20 is excluded under the Speedy Trial
9 Act.

10 Anything further from the government?

11 MS. FLETCHER: No. Thank you, your Honor.

12 THE COURT: From the defendant.

13 MR. BUZA: Thank you, your Honor. No.

14 THE COURT: Thank you.

15 (Adjourned)

16
17
18
19
20
21
22
23
24
25